

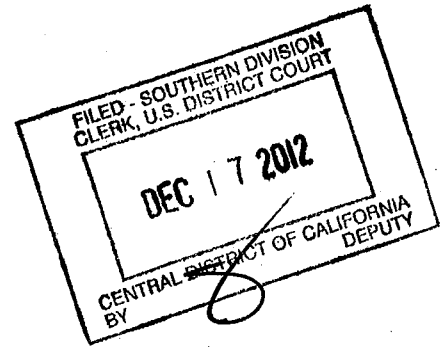
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Attorneys for Plaintiff
 James R. Glidewell Dental Ceramics, Inc.
 d/b/a Glidewell Laboratories



UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION

JAMES R. GLIDEWELL DENTAL
 CERAMICS, INC.,

Plaintiff,

KEATING DENTAL ARTS, INC.,

Defendant.

AND RELATED
 COUNTERCLAIMS.

Case No. SACV11-01309-DOC(ANx)

**~~PROPOSED~~ ORDER GRANTING
 PLAINTIFF'S *EX PARTE*
 APPLICATION TO FILE CERTAIN
 DOCUMENTS UNDER SEAL IN
 SUPPORT OF JAMES R.
 GLIDEWELL DENTAL CERAMICS,
 INC.'S MOTIONS FOR SUMMARY
 JUDGMENT**

Ctrm: 9D, Hon. David O. Carter

Pre-Trial Conf.: January 28, 2013
 Jury Trial: February 26, 2013

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This Court having considered Plaintiff James R. Glidewell Dental Ceramics, Inc.'s ("Plaintiff") *Ex Parte* Application to File Certain Documents Under Seal In Support of Its Motions for Summary Judgment, and good cause appearing:

IT IS HEREBY ORDERED that Plaintiff is granted leave to file under seal the following documents:

1. James R. Glidewell Dental Ceramic, Inc.'s Notice of Motion and Motion for Partial Summary Judgment as to Keating's Invalidity Defense and Counterclaim;
2. James R. Glidewell Dental Ceramic, Inc.'s Notice of Motion and Motion for Partial Summary Judgment re Infringement of a Federally Registered Mark (First Cause of Action) and Dismissal of Defendant's Second Affirmative Defense and First Counterclaim;
3. [Proposed] Statement of Uncontroverted Facts and Conclusions of Law in Support of Glidewell's Motion Partial Summary Judgment as to Keating's Invalidity Defense and Counterclaim;
4. [Proposed] Statement of Uncontroverted Facts and Conclusions of Law in Support of Glidewell's Motion Partial Summary Judgment re Infringement of a Federally Registered Mark (First Cause of Action) and Dismissal of Defendant's Second Affirmative Defense and First Counterclaim; and
5. The following exhibits attached to the Appendix of Evidence in Support of James R. Glidewell's Dental Ceramics, Inc.'s Motions for Summary Judgment:
 - Exhibit G: Declaration of Jim Shuck
 - Exhibit I: Declaration of Dr. Michael DiTolla
 - Exhibit K: Declaration of Robin Bartolo
 - Exhibit L: Declaration of Keith Allred
 - Exhibit M: Declaration of Nicole Fallon

- 1 Exhibit O: Declaration of Dr. Ronald Goldstein
- 2 Exhibit 1: April 2, 2012 fax transmittal to Nicole Fallon from Dr.
- 3 Le's Dental Office (GDC00002445-2446)
- 4 Exhibit 2: April 3, 2012 Glidewell call note report (GDC00002444)
- 5 Exhibit 13: Glidewell Direct mailers and other information
- 6 (GDC00000053-59) (contains sales/advertising numbers)
- 7 Exhibit 15: Keating prescription order forms and lab notes
- 8 Exhibit 46: Chart of monthly sales of BruxZir restorations compared
- 9 to sales of porcelain fused to metal restorations that was
- 10 compiled by Glidewell's marketing department.
- 11 (GDC00000240)
- 12 Exhibit 73: E-mails from dentists to Dr. DiTolla regarding DiTolla's
- 13 videos discussing BruxZir crowns (GDC000002393,
- 14 2397-2399)
- 15 Exhibit 74: E-mails from dentists to Dr. DiTolla supporting his
- 16 conclusion that dentists understand that BruxZir identifies
- 17 Glidewell as the source of the crown products
- 18 (GDC000002396, 2397-2398, 2402, 2404.)
- 19 Exhibit 82: Defendant/Counterclaim Plaintiff's Response to
- 20 Plaintiff/Counterclaim Defendant's First Set of
- 21 Interrogatories Nos. 1-25 (Attorney's Eyes Only Exhibits)
- 22 Exhibit 83: Excerpts from Deposition of James Shuck
- 23 Exhibit 84: Excerpts from Deposition of Robert Dale Brandon

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Exhibit 85: Excerpts from Deposition of Shaun Keating

Exhibit 86: Excerpts from Deposition of Diane Mallos Donich

IT IS SO ORDERED.

Dated: December 17, 2012

David O. Carter

The Honorable David O. Carter
United States District Judge

Dated: November 19, 2012

Respectfully Submitted

SNELL & WILMER L.L.P.

By: *Deborah S. Malgoum for*
Philip J. Graves
Greer N. Shaw

Attorneys for Plaintiff
James R. Glidewell Dental Ceramics, Inc. dba
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1 *Glidewell Laboratories v. Keating Dental Arts, Inc.*
 2 U.S. District Court, Central District of California, Case No. SACV11-01309-DOC (ANx)

3 **PROOF OF SERVICE**

4 I am employed in the County of Orange, State of California. I am over the age of
 5 18 and not a party to the within action; my business address is 600 Anton Boulevard,
 Suite 1400, Costa Mesa, CA 92626-7689.

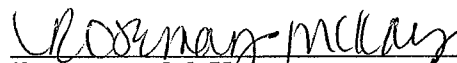
6 On November 19, 2012, I served, in the manner indicated below, the foregoing
 7 document(s) described as **[PROPOSED] ORDER GRANTING PLAINTIFF'S EX**
 8 **PARTE APPLICATION TO FILE CERTAIN DOCUMENTS UNDER SEAL IN**
 9 **SUPPORT OF JAMES R. GLIDEWELL DENTAL CERAMICS, INC.'S**
 10 **MOTIONS FOR SUMMARY JUDGMENT** on the interested parties in this action by
 placing true copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as
 follows:

11 *Please see attached Service List*

- 12 ☐ BY REGULAR MAIL: I caused such envelopes to be deposited in the United
 States mail at Costa Mesa, California, with postage thereon fully prepaid. I am
 13 readily familiar with the firm's practice of collection and processing
 correspondence for mailing. It is deposited with the United States Postal
 Service each day and that practice was followed in the ordinary course of
 14 business for the service herein attested to (C.C.P. § 1013(a)).
- 15 ☐ BY FACSIMILE: (C.C.P. § 1013(e)(f)).
- 16 ☐ BY OVERNIGHT DELIVERY: I caused such envelopes to be delivered by air
 17 courier, with next day service, to the offices of the addressees. (C.C.P. §
 18 1013(c)(d)).
- 19 ☒ BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand
 20 to the offices of the addressees. (C.C.P. § 1011(a)(b)).
- 21 ☐ BY ELECTRONIC MAIL: I caused such document(s) to be delivered
 22 electronically to the following email address(es): David G. Jankowski
 david.jankowski@kmob.com, Jeffrey L. Van Hoosear
 23 Jeffrey.vanhoosear@kmob.com, Lynda J. Zadra-Symes Lynda.zadra-
 symes@kmob.com, litigation@kmob.com; Thomas L. Gourde
 tgourdelaw@cox.net

24 I declare that I am employed in the office of a member of the bar of this court at
 25 whose direction the service was made.

26 Executed on November 19, 2012, at Costa Mesa, California.

27 
 28 Rosemary McKay

PROOF OF SERVICE

1 *Glidewell Laboratories v. Keating Dental Arts, Inc.*
2 U.S. District Court, Central District of California, Case No. SACV11-01309-DOC (ANX)

3 **SERVICE LIST**

4 David G. Jankowski
5 Jeffrey L. Van Hoosear
6 Lynda J Zadra-Symes
7 Knobbe Martens Olson and Bear LLP
8 2040 Main Street, 14th Floor
9 Irvine, CA 92614

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